

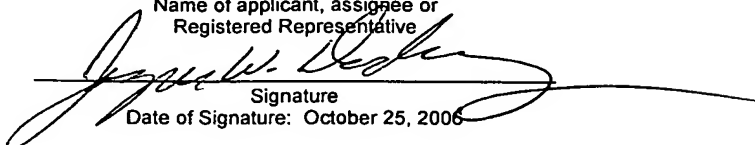


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Mail Stop Amendment,
Commissioner for Patents,
P.O. Box 1450,
Alexandria, VA 22313-1450 on
October 25, 2006

Date of Deposit
Jasper W. Dockrey, Reg. No. 33,868

Name of applicant, assignee or
Registered Representative


Signature
Date of Signature: October 25, 2006

Our Case No. 115-546

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

LIGHTFIELD, et al.

Serial No. 10/660,806

Filing Date: September 11, 2003

For: Acidified Food Sauce

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) Examiner: Leslie Wong
) Group Art Unit No.: 1761
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Response to Restriction Requirement

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

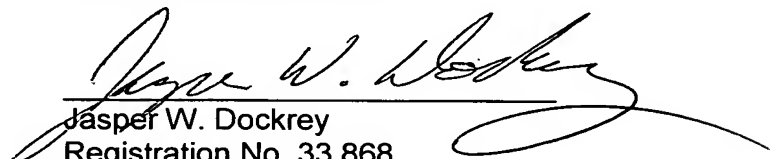
In an Office Action dated September 19, 2006, the Applicants' claims were subjected to a restriction requirement under 35 U.S.C. § 121. The Applicants' claims were divided into Group I including claims 1-19, as drawn to a food product, and Group II including claims 20-24, as drawn to a process for forming a food product. The Applicant hereby provisionally elects the claims of Group I, however, the Applicant respectfully traverses the restriction requirement.

The Office Action alleges that the claims identified as belonging to Groups I and II are not distinct. The Applicant respectfully asserts that restriction is only proper where it is shown that the Applicant's claims are both independent and

distinct. 35 U.S.C. § 121. Despite this clear requirement under § 121, it has not even been alleged that the Applicant's claims in Groups I and II are independent. To the contrary, the Applicant's claims are highly interrelated. For example, claims 13 is drawn to an acidified food product having a gum that masks textural defects and claim 22 recites a process in which gum is added to mask textural defects. The close interrelationship of claims 13 and 22 precisely illustrate that the Applicant's claims, as divided into separate groups in the instant Office Action, are interdependent rather than independent.

The Applicant has provisionally elected the claims of Group I for prosecution. However, the requirement for restriction is traversed and the withdrawal of the instant restriction requirement is requested.

Respectfully submitted,


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